



Jefferson County Commission

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Ken Weber, Chair Chuck Notbohm, Commissioner Tom Lythgoe, Commissioner

January 31, 2007

RECEIVED

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Ravalli County Commission

Ravalli County Commission
215 South Fourth, Ste A
Hamilton, MT 59840-2853

Dear Commissioners:

Please find enclosed a copy of SB 339, sponsored by Senator Terry Murphy, which addresses issues of annexation across county lines.

Currently a situation exists in northern Jefferson County where a developer has requested annexation to the City of Helena. The county has had citizen-initiated zoning in place since 1997 which allow for one dwelling per two acres. If the annexation does occur, the city zoning takes precedence, thereby allowing the developer to have nine dwelling units on the same acreage. This in affect does away with the will of the citizens in how their community is to be shaped. Many other consequences such as school overcrowding, pressure on an industrial operation, revenue losses, and other issues arise.

It is our understanding that some other jurisdictions are having or may possibly have similar situations in the near future. Therefore, we have requested that Senator Murphy carry SB 339 on behalf of jurisdictions with these types of issues.

The bill merely requires that territory in an adjoining county may be annexed by a municipal governing body if the governing body obtains the consent of the board of County Commissioners of the county in which the territory is located.

We hope that you can be supportive of SB 339 and contact your legislators to support the bill.

If you have any questions, please contact us at 225-4025 or Harold Stepper, County Planner at 225-4040.

Sincerely,

Ken Weber, Chair
Jefferson County Board of Commissioners

Chuck Notbohm

Tomas E Lythgoe

CC: reading file

2007 Montana Legislature

About Bill -- Links

SENATE BILL NO. 339

INTRODUCED BY T. MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ANNEXATION AND ZONING LAWS; PROHIBITING A MUNICIPALITY FROM ANNEXING TERRITORY LOCATED IN A COUNTY DIFFERENT FROM THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED UNLESS CERTAIN CONDITIONS ARE MET; PROHIBITING A MUNICIPALITY FROM EXERCISING AUTHORITY TO IMPOSE ZONING AND SUBDIVISION REGULATIONS OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES UNLESS CERTAIN CONDITIONS ARE MET; AMENDING SECTIONS 76-2-310 AND 76-2-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Annexation across county boundaries. (1) Except as provided in subsection (2), in all instances of annexation allowed under parts 42 through 47 of this chapter, a municipal governing body may not annex territory in a county that is different from the county in which the municipality is located.

(2) Territory in an adjoining county may be annexed by a municipal governing body if the governing body obtains the consent of the board of county commissioners of the county in which the territory is located.

Section 2. Section 76-2-310, MCA, is amended to read:

"76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries.

(1) Except as provided in 76-2-312, ~~and~~ except in locations where a county has adopted zoning or subdivision regulations, and subject to subsection (2), a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

(a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;

(b) up to 2 miles beyond the limits of a city of the second class; and

(c) up to 1 mile beyond the limits of a city or town of the third class.

(2) (a) Except as provided in subsection (2)(b), a municipal governing body may not exercise the authority provided in subsection (1) if any of the property to be included in the extension is in a county different from the county in which the municipality lies and if county subdivision regulations, a growth policy, and zoning regulations have been adopted and apply to the property.

(b) A municipal governing body may exercise the authority provided in subsection (1) if the governing body obtains the consent of the board of county commissioners in which the property lies.

~~(2)(3)~~ When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict ~~in the event that~~ if all cities concerned ~~should~~ exercise the full powers conferred by 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities."

Section 3. Section 76-2-312, MCA, is amended to read:

"76-2-312. Exclusion for commission-manager plan municipalities. ~~A city or town which has as its plan of government the commission-manager plan shall be excluded from the~~ (1) The provisions of 76-2-310 and 76-2-311 which define that provide extraterritorial authority to review proposed subdivisions do not apply to a city or town that has as its plan of government the commission-manager plan.

(2) (a) Except as provided in subsection (2)(b), a city or town that has as its plan of government the commission-manager plan may not exercise the zoning authority provided in 76-2-310 if any of the property to be included in the extension is in a county different from the county in which the city or town is located and if county subdivision regulations, a growth policy, and zoning regulations have been adopted and apply to the property.

(b) A city or town may exercise the zoning authority provided in 76-2-310 if the city or town obtains the consent of the board of county commissioners in which the property lies."

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 2, part 42, and the provisions of Title 7, chapter 2, part 42, apply to [section 1].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

- END -

Latest Version of SB 339 (SB0339.01)

Processed for the Web on January 24, 2007 (4:51pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

[Status of this Bill](#) | [2007 Legislature](#) | [Leg. Branch Home](#)

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